

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

RODNEY WILLIAMSON,

Plaintiff,

No. 13-11066

v.

District Judge Thomas L. Ludington
Magistrate Judge R. Steven Whalen

DEPUTY WARDEN RONDALL HASS,
ET AL.,

Defendants.

ORDER

Plaintiff, a *pro se* prison inmate in this civil rights action brought under 42 U.S.C. §1983, has filed a motion for appointment of counsel [Docket #62].

Unlike criminal cases, there is no constitutional or statutory right to the appointment of counsel in civil cases. Rather, the Court requests members of the bar to assist in appropriate cases. In *Lavado v. Keohane*, 992 F.2d 601, 605-606 (6th Cir. 1993), the Sixth Circuit noted that “[a]ppointment of counsel in a civil case is not a constitutional right. It is a privilege that is justified only by exceptional circumstances.” (Internal quotations and citations omitted).

It is the practice of this Court to defer any attempt to obtain counsel for *pro se* civil rights Plaintiffs until after motions to dismiss or motions for summary judgment have been denied. In this case, certain Defendants and claims have been dismissed. However, the motions to dismiss did not address the substantive due process and deliberate indifference claims. Further, the Court found that the Plaintiff alleged a plausible retaliation claim that survived under Fed.R.Civ.P. 12(b)(6). In addition, the Court directed

Plaintiff to file an amended complaint if he intended to pursue his equal protection claim. *See* Doc. #25. The Court granted Plaintiff leave to file an amended complaint on December 3, 2013 [Doc. #40], and the amended complaint was filed on December 16, 2013 [Doc. #46]. All presently surviving claims are still subject to potential summary judgment motions following discovery, and the Court has set a dispositive motion cut-off date of July 14, 2014.

At this point, Plaintiff's motion to appoint counsel is premature. If Plaintiff's claims ultimately survive dispositive motions, he may renew his motion for appointment of counsel at that time.

Accordingly,

IT IS HEREBY ORDERED that Plaintiff's motion for appointment of counsel [Docket #62] is **DENIED WITHOUT PREJUDICE**.

Dated: April 24, 2014

s/R. Steven Whalen
R. STEVEN WHALEN
UNITED STATES MAGISTRATE JUDGE

I hereby certify that a copy of the foregoing order was sent to parties of record on April 25, 2014, electronically and/or by U.S. mail.

s/Michael Williams
Case Manager to the
Honorable R. Steven Whalen